



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,476	02/14/2000	Hiroshi Tojo	862.C1824	6656

5514 7590 02/27/2002

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

VO, TUNG T

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 02/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/503,476

Applicant(s)

TOJO, HIROSHI

Examiner

Tung T. Vo

Art Unit

2613

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2613

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasaka et al. (US 2002/0012521 A1).

Re claims 1, 10, and 19, Nagasaka teaches the same an image processing apparatus and its method comprising:

frame extraction means (106 of fig. 2) for extracting frames constituting an entered moving picture/image from a input unit (100, 102 of fig. 2) for queried image;

discrimination means [0036] (fig. 3) for discriminating a scene change by comparing the frames extracted, A' or A'' by said frame extraction means [0034] of page 3 (fig. 6);

storage means (126 of fig. 2) for storing scenechange information relating to the scenechange discriminated by discriminated means [0034];

designating means (110, 112, 114 of fig. 2) for designating an image that corresponds to a scene that is the object of a search (fig. 3 (SEGMENT NUMBER, FEATURE, FRAME NUMBER) (112 of fig. 2), see also [0034] of page 3;

comparison means (130 of fig. 2) for comparing a scenechange frame, which is obtained by referring to the scenechange information that has been stored in said storage images and the image that has been designated by designation means; scene extraction means (figs. 4 and 5);

scene extraction means (122 of fig. 2) for extracting a scene that corresponds to the image based upon the result of the comparison by said comparison, see also figure 3.

Since Nagasaka teaches all limitations above, these limitations must be programmable on a computer-readable memory by using a computer system as taught by Nagasaka in the figure 1.

Re claims 2-4, Nagasaka further discloses a computation in the comparison (fig. 6) for computing degree of similarity between the scenechange frame and the image that has been designated by said designation means (fig. 10A); based upon the calculation the scene extraction means extracts the scene corresponding to said image then outputting scene information relating to scenes that have been extracted (fig. 3); where an editing means (fig. 16) for editing the extracted frame [0053] to [0055].

Re claims 5-9, Nagasaka further teaches the designation means designates: a pattern image, SEGMENT NUMBER (fig. 3) that corresponds to any of leading, intermediate or final frame of a scene that is the object of a search (fig. 17); the time of a scene to be extracted ( $t_1$ - $t_n$ ) (804 of fig. 17); a number of scenes (NUMBER OF FRAME, NUMBER OF CANDIDATES); time of a scene to be extracted (fig. 11) of frames prior, frames on, and after frame.

Re claims 11-18, the method claims must be anticipated by Nagasaka for the same reasons above, see analysis in claims 4-9.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ishikawa et al. (US 5,493,345) discloses a method for detecting a scene change and image editing apparatus.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Art Unit: 2613

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1700.

Tung T. Vo  
Examiner  
Art Unit 2613

T.Vo  
February 23, 2002

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600